

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2989 of 2005

JUDGMENT:

Earlier, this matter was listed on 13.04.2017. There was no representation for both sides. Again, when the matter was listed on 26.10.2017, there was no representation for the appellant, but counsel for the respondent was present. Again, on 05.06.2018, as there was no representation for the appellants, the matter was directed to be listed on 12.06.2018 under the caption "For Orders". On 12.06.2018, again the learned counsel for the appellants requested time and hence, the matter was directed to be listed today under the same caption, i.e., "For Orders". Today also, the learned counsel for the appellants is not ready.

2. The learned Standing Counsel for the 2nd respondent-Insurance Company is present. He brought to the notice of this Court that the claim of the appellants herein under the impugned O.P.No.437 of 2002 on the file of the Chairman, Motor Accident Claims Tribunal-cum-I Additional District Judge, Nalgonda ('the Tribunal', for brevity) was adjudicated in O.P.No.652 of 2005 by the same Tribunal on 11.07.2005. The 3rd respondent herein is the claimant in O.P.No.652 of 2005. In the said O.P., the Tribunal, after due adjudication, granted a compensation of Rs.3,02,000/- with interest at the rate of 7.5% per annum to the claimant therein/3rd respondent herein and dismissed the O.P. impugned in this appeal.

3. The Tribunal had already adjudicated O.P.No.652 of 2002 on merits by partly allowing the same granting compensation of Rs.3,02,000/- to the 3rd respondent herein and dismissed O.P.No.437

of 2002 (which is impugned in this appeal) by common order dated 11.07.2005. The Tribunal rightly determined the issues in both the O.Ps. and granted compensation in favour of Ch.Sri Devi @ Parameshwari in O.P.No.652 of 2002. In view of these facts and circumstances, the appeal is devoid of merit and is liable to be dismissed.

4. In the result, the appeal is dismissed. No order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

19th June, 2018
Bvv

Dr. SHAMEEM AKTHER, J

